



**An Ordinance to Amend Appendix A Definitions  
to the Unified Development Ordinance (UDO) of the  
Town of Sunset Beach, North Carolina**

**THAT WHEREAS**, the Town has enacted a Unified Development Ordinance that control land development within both the Town's incorporated areas and within its extraterritorial area; and

**WHEREAS**, in order to promote the public health, safety and general welfare and to promote the best interests of the town and community, it is necessary from time to time for the Town Council to consider appropriate revisions, modifications and additions to the town's Unified Development Ordinance; and

**WHEREAS**, Town staff at the direction of the Planning Board has initiated a text amendment requesting a review of the town's Unified Development Ordinance to amend the definition of Impervious Surface to align with State statutes. Specifically, this would allow properly installed Number 57 and trails with adequate hydraulic conductivity (water can seep into the soil) to satisfy pervious surface requirements; and

**WHEREAS**, the Planning Board reviewed and deliberated the options, and reached a 4 to 0 vote to recommend to the Town Council an amendment to Appendix A to amend the Impervious Surface definition; and

**WHEREAS**, pursuant to N. C. General Statutes and town ordinances, a public hearing, properly noticed, was held on December 5, 2016, where public comment was heard and considered by the Town Council regarding this issue; and

**WHEREAS**, the Planning Board finds that the proposed amendment to the Unified Development Ordinance Appendix A Definitions is consistent with the Sunset Beach Comprehensive Land Use Plan; and

**WHEREAS**, the Town Council further finds that the approval of this proposed amendment is reasonable and in the public interest in that the amendment: (i) is consistent with Policy 66C of the Town's comprehensive plan (2010 Town of Sunset Beach CAMA Land Use Plan) stating that "The Town shall continue to update its stormwater ordinances to remain consistent with changes in the County stormwater ordinance," (ii) that it is in the public interest because it sensibly improves development opportunities in an environmentally acceptable way, (iii) follows language similar to NCGS 143B-214.7, and (iv) works to enhance and protect the public health safety and general welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of Sunset Beach that Unified Development Ordinance Appendix A Definitions is hereby amended as follows:

***Impervious Surface***

Any surface which in whole or in part, restricts or prevents the natural absorption of water into the ground. Such surfaces may include, but not be limited to compacted earth (such as marl and coquina), gravel, concrete, asphalt, or other paving material, and all areas covered by the footprint of buildings or structures. ~~Uncovered wooden slatted decks and the water area of a swimming pool are considered pervious. The following are considered pervious surfaces: uncovered wooden slatted decks; the water area of a swimming pool; a surface of number 57 stone, as designated by ASTM International, laid at least four inches thick over a geotextile fabric (needle punched, non-woven, high survivability, with a puncture strength of 250 newtons); or a trail as defined in GS 143B-135.94B that is either unpaved or paved as long as the pavement is porous with a hydraulic conductivity greater than 0.001 centimeters per second (1.41 inches per hour).~~

Adopted this the \_\_\_\_ day of \_\_\_\_\_, 2016

Town of Sunset Beach

\_\_\_\_\_  
By: Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk